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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,581	10/23/2001	Timothy Gayle Goux	CARE01 (8116.110574)	4848
6980	7590	06/20/2006	EXAMINER	
TROUTMAN SANDERS LLP 600 PEACHTREE STREET, NE ATLANTA, GA 30308			TOMASZEWSKI, MICHAEL	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/044,581	<b>Applicant(s)</b> GOUX, TIMOTHY GAYLE	
	<b>Examiner</b> Mike Tomaszewski	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/23/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Notice To Applicant***

1. This communication is in response to the amendment filed on 4/24/2006. Claims 1-33 are pending. Claims 1-9, 14, 17, 20, and 24 have been amended. Claims 28-33 are newly added.

### ***Specification***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The specification is objected to under 35 U.S.C. § 112, first paragraph, because the specification, as originally filed, does not provide support for the invention as is now claimed for the reasons in section 4, *infra*.

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4. The amendment filed 4/24/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The newly added recitations within claims 1-9, 14, 17, 20, and 24.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

5. Claims 1-33 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention and for the reasons set forth in the objection to the specification in section 4, *supra*.

Claims 1-9, 14, 17, 20, and 24 recite limitations that are new matter, as discussed above. Claims 10-13, 15-16, 18-19, 21-23, and 25-33 incorporate the deficiencies of claims 1-9, 14, 17, 20, and 24 through dependency and are also rejected.

*Applicant is advised to provide support for all features added to the amendment filed on 4/24/2006.*

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**NOTE:** The following rejections assume that the subject matter added in the amendment filed on 4/24/2006 is not new matter and are provided hereinbelow for Applicant's consideration on the condition that Applicant properly traverses the new matter objections and rejections set forth in sections 2-5, *supra*, in the next communication sent in response to the present Office Action.

7. Claims 1, 5-8, 9, 13, 16, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeTore (4,975,840; hereinafter DeTore), in view of Ibarra (6,119,097; hereinafter Ibarra).

(A) As per amended Claim 1, DeTore discloses a method for providing improved performance of an insured entity (DeTore: abstract), the method comprising the steps of:

- (1) formulating an insurance program containing one or more insurance program requirements, wherein one or more of the one or more insurance program requirements are associated with an insurance risk factor  
(DeTore: col. 3, line 35-col. 4, line 53; col. 7, line 39-col. 8, line 47; col. 12-col. 14, line 9; col. 14, line 40-col. 15, line 18);
- (2) implementing procedures designed for the insured entity to meet the insurance program requirements, thereby reducing a risk associated with the insurance risk factor (DeTore: col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3);
- (3) monitoring the results of the procedures to identify the conformance of the insured entity to the program requirements (DeTore: col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3); and
- (4) identifying the conformance of the insured entity to the program requirements (DeTore: col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3).

DeTore, however, fails to expressly disclose a method for providing improved performance of an insured entity, the method comprising the steps of:

- (5) communicating data indicative of the conformance of the entity to an interested third party.

Nevertheless, these features are old and well known in the art, as evidenced by Ibarra. In particular, Ibarra discloses a method for providing improved performance of an insured entity, the method comprising the steps of:

- (5) communicating data indicative of the conformance of the entity to an interested third party (Ibarra: col. 4, lines 29-67; col. 8, lines 10-39).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Ibarra with the teachings of DeTore with the motivation of tracking, communicating and measuring performance and/or adherence to standards (Ibarra: abstract).

- (B) As per amended claim 5, DeTore discloses the method of claim 1, wherein the step of monitoring the results of the procedures to identify the conformance of the insured entity to the program requirements further comprises providing feedback to the insured entity regarding compliance with the insurance program requirements (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12).

- (C) As per amended claim 6, DeTore fails to expressly disclose the method of claim 1, wherein the step of communicating data indicative of the conformance of the insured entity to an interested third party further comprises the steps of:

- (1) attributing a score to the monitored results; and
- (2) providing the score to the interested third party.

Nevertheless, these features are old and well known in the art, as evidenced by Ibarra. In particular, Ibarra discloses the method of claim 1, wherein the step of communicating data indicative of the conformance of the insured entity to an interested third party further comprises the steps of:

- (1) attributing a score to the monitored results (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12); and
- (2) providing the score to the interested third party (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Ibarra with the teachings of DeTore with the motivation of tracking, communicating and measuring performance and/or adherence to standards (Ibarra: abstract).

(D) Claim 7 has been amended to include the recitation of an “insured entity” and an “insurance program.” These limitations, however, were previously recited in amended claim 1 and therefore, are rejected for the same reasons given for amended claim 1 and incorporated herein.



(E) Claim 8 has been amended to include the recitation of communicating “data indicative of the conformance of the insured entity” and an “insured entity.” These limitations, however, were previously recited in amended claim 1 and therefore, are rejected for the same reasons given for amended claim 1 and incorporated herein.

(F) Amended claim 9 substantially repeats the same limitations as those of amended claims 1 and 6 and therefore, is rejected for the same reasons given for those claims as given above and incorporated herein.

(G) As per claim 13, DeTore discloses the method of claim 9, further comprising the step of providing monitored results to the insured entity (DeTore: col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3).

(H) As per claim 16, DeTore discloses the method of claim 9, wherein attributing a score to the monitored results comprises attributing a numerical score indicated the conformance of the insured entity to the program requirements (DeTore: col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3).

(I) As per claim 28, DeTore discloses the method of claim 1, wherein the step of monitoring the results of the procedures to identify the proximity of the insured entity meeting the program requirements is performed after the insurance program is issued

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to the insured entity (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12).

(J) As per claim 29, DeTore discloses the method of claim 1, wherein the interested third party is an insurance underwriter (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12).

(K) As per claim 30, DeTore fails to expressly disclose the method of claim 1, wherein the interested third party is a reinsurer.

Nevertheless, Examiner respectfully submits that the technique of involving reinsurers as third parties is well known and obvious.

One of ordinary skill in the art would have found it obvious at the time of the invention to incorporate this technique with the motivation of evaluating and formulating insurance (DeTore: col. 1, lines 55-58).

(L) As per claim 31, DeTore discloses the method of claim 1, wherein the step of monitoring the results of the procedures to identify the proximity of the insured entity meeting the program requirements is performed after the insurance program is issued to the insured entity (DeTore: col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3).

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8. Claims 2-3, 10-11, 17-19, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeTore and Ibarra, as applied to claim 1 above, and further in view of Luchs et al. (4,831,526; hereinafter Luchs) for substantially the same reasons given in the previous Office Action. Further reasons appear below.

(A) As per claim 2, DeTore fails to expressly disclose the method of claim 1, wherein the formulating an insurance program containing one or more insurance program requirements step comprises an insured entity purchasing the insurance program.

Nevertheless, these features are old and well known in the art, as evidenced by Luchs. In particular, Luchs discloses the method of claim 1, wherein the formulating an insurance program containing one or more insurance program requirements step comprises an insured entity purchasing the insurance program (Luchs: abstract; col. 3, lines 65-67; col. 4, line 1; Fig. 1-13).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Luchs with the combined teachings of DeTore and Ibarra with the motivation of enhancing marketability of the method and system by allowing the method and system to accommodate a broader spectrum of uses and/or users.

(B) As per claim 3, DeTore fails to expressly disclose the method of claim 1, wherein formulating an insurance program containing one or more insurance program requirements comprises a single insurer offering the insurance program.

Nevertheless, these features are old and well known in the art, as evidenced by Luchs. In particular, Luchs discloses the method of claim 1, wherein the formulating an insurance program containing one or more insurance program requirements comprises a single insurer offering the insurance program (Luchs: abstract; col. 3, lines 65-67; col. 4, line 1; Fig. 1-13).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Luchs with the combined teachings of DeTore and Ibarra with the motivation of enhancing marketability of the method and system by allowing the method and system to accommodate a broader spectrum of uses and/or users.

(C) As per claim 10, DeTore fails to expressly disclose the method of claim 9, wherein formulating an insurance program step comprises an insured entity purchasing the insurance program.

Nevertheless, these features are old and well known in the art, as evidenced by Luchs. In particular, Luchs discloses the method of claim 9, wherein formulating an insurance program step comprises an insured entity purchasing the insurance program (Luchs: abstract; col. 3, lines 65-67; col. 4, line 1; Fig. 1-13).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Luchs with the combined teachings of DeTore and Ibarra with the motivation of enhancing marketability of the method and system by allowing the method and system to accommodate a broader spectrum of uses and/or users.

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(D) As per claim 11, DeTore fails to expressly the method claim of 9, wherein the formulating an insurance step comprises a single insurer offering the program.

Nevertheless, these features are old and well known in the art, as evidenced by Luchs. In particular, Luchs discloses the method claim of 9, wherein the formulating an insurance step comprises a single insurer offering the program (Luchs: abstract; col. 3, lines 65-67; col. 4, line 1; Fig. 1-13).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Luchs with the combined teachings of DeTore and Ibarra with the motivation of enhancing marketability of the method and system by allowing the method and system to accommodate a broader spectrum of uses and/or users.

(E) Amended claim 17 substantially repeats the same limitations as those of amended claims 1 and 9 and therefore, is rejected for the same reasons given for those claims and incorporated herein.

(F) As per claim 18, DeTore discloses the method of Claim 17, wherein creating a new insurance product comprises creating an insurance product comprising reduced premiums, reduced risk of claims by adherence assurances, and an increased standard in provided services (DeTore: abstract; col. 3, line 35-col. 4, line 53; col. 7, line 39-col. 8, line 45; col. 12, line 12-col. 14, line 9; col. 14, line 40-col. 15, line 18).

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(G) As per claim 19, DeTore discloses the method of Claim 17, wherein distributing the new insurance product to the insured entity through a distribution channel comprises distributing the new insurance product through authorized brokers (DeTore: abstract; col. 4, lines 30-35; col. 9, line 21-col. 9, line 64).

(H) Claim 32 substantially repeats the same limitations as those of claim 28 and therefore, is rejected for the same reasons given for claim 28 and incorporated herein.

9. Claims 4, 12, 14-15, 20-27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeTore and Ibarra, as applied to claims 1 above, and further in view of Walker et al. (6,119,093; hereinafter Walker) for substantially the same reasons given in the previous Office Action. Further reasons appear below.

(A) As per claim 4, Ibarra fails to expressly disclose the method of Claim 1, wherein the formulating an insurance program containing one or more insurance program requirements step comprises several insurance providers underwriting the insurance program.

Nevertheless, these features are old and well known in the art, as evidenced by Walker. In particular, Walker discloses the method of Claim 1, wherein the formulating an insurance program containing one or more insurance program requirements step

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comprises several insurance providers underwriting the insurance program (Walker: abstract; col. 2, lines 40-44).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Walker with the combined teachings of DeTore and Ibarra with the motivation of enhancing the marketability of the method and system by allowing the method and system to accommodate a broader spectrum of uses and/or users.

(B) As per claim 12, DeTore fails to expressly disclose the method of Claim 9, wherein the formulating an insurance program step comprises several insurance providers underwriting the insurance program.

Nevertheless, these features are old and well known in the art, as evidenced by Walker. In particular, Walker discloses the method of Claim 9, wherein the formulating an insurance program step comprises several insurance providers underwriting the insurance program (Walker: abstract; col. 2, lines 40-44).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Walker with the combined teachings of DeTore and Ibarra with the motivation of enhancing the marketability of the method and system by allowing the method and system to accommodate a broader spectrum of uses and/or users.

(C) Claim 14 has been amended to include the recitation of a "score." This limitation, however, were previously recited in amended claim 6 and therefore, is rejected for the same reasons given for amended claim 6 and incorporated herein.

(D) As per claim 15, DeTore discloses the method of Claim 14 wherein providing the monitored results by utilizing a web enabled software solution further comprises providing services to the insured entity and providing reports to the insured entity and the insuring entity (DeTore: abstract; col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3; Fig. 1-12).

(E) Amended claim 20 substantially repeats the same limitations as those of amended claims 1, 9 and 15 and therefore, is rejected for the same reasons given for those claims and incorporated herein.

(F) As per claim 21, DeTore fails to expressly disclose the system of Claim 20, wherein said score comprises an indication of the insured entity's conformance with said program requirements.

Nevertheless, these features are old and well known in the art, as evidenced by Ibarra. In particular, Ibarra discloses the system of Claim 20, wherein said score comprises an indication of the insured entity's conformance with said program requirements (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Ibarra with the combined teachings of DeTore and Walker with the motivation of tracking, communicating and measuring performance and/or adherence to standards (Ibarra: abstract).



(G) As per claim 22, DeTore fails to expressly disclose the system of claim 20, wherein the program catalyst is further operative to provide feedback to the insuring entity regarding said monitored results and said score.

Nevertheless, these features are old and well known in the art, as evidenced by Ibarra. In particular, Ibarra discloses the system of claim 20, wherein the program catalyst is further operative to provide feedback to the insuring entity regarding said monitored results and said score (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Ibarra with the combined teachings of DeTore and Walker with the motivation of tracking, communicating and measuring performance and/or adherence to standards (Ibarra: abstract).

(H) As per claim 23, DeTore fails to expressly disclose the system of claim 20, wherein the program catalyst provides feedback to the insuring entity by utilizing the web-enabled software.

Nevertheless, these features are old and well known in the art, as evidenced by Walker. In particular, Walker discloses the system of claim 20, wherein the program catalyst provides feedback to the insuring entity by utilizing the web-enabled software (Walker: abstract; col. 4, line 45-col. 5, line 8; Fig. 1, and 6-10).

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One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Walker with the combined teachings of DeTore and Ibarra with the motivation of providing a means of facilitating the sale of insurance (Walker: abstract).

(I) Amended claim 24 substantially repeats the same limitations as those of amended claims 1, 9 and 15 and therefore, is rejected for the same reasons given for those claims and incorporated herein.

(J) As per claim 25, DeTore fails to expressly disclose the system of Claim 24, wherein said score comprises an indication of the insured entity's conformance with said program requirements.

Nevertheless, these features are old and well known in the art, as evidenced by Ibarra. In particular, Ibarra discloses the system of Claim 24, wherein said score comprises an indication of the insured entity's conformance with said program requirements (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Ibarra with the combined teachings of DeTore and Walker with the motivation of tracking, communicating and measuring performance and/or adherence to standards (Ibarra: abstract).

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(K) As per claim 26, DeTore fails to expressly disclose the system of claim 24, wherein the program catalyst is further operative to provide feedback to the insuring entity regarding said monitored results and said score.

Nevertheless, these features are old and well known in the art, as evidenced by Ibarra. In particular, Ibarra discloses the system of claim 24, wherein the program catalyst is further operative to provide feedback to the insuring entity regarding said monitored results and said score (Ibarra: col. 4, lines 29-67; col. 5, line 1-col. 9, line 24; Fig. 1-12).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Ibarra with the combined teachings of DeTore and Walker with the motivation of tracking, communicating and measuring performance and/or adherence to standards (Ibarra: abstract).

(L) As per claim 27, DeTore fails to expressly disclose the system of claim 24, wherein the program catalyst provides feedback to the insuring entity by utilizing the web-enabled software.

Nevertheless, these features are old and well known in the art, as evidenced by Walker. In particular, Walker discloses the system of claim 24, wherein the program catalyst provides feedback to the insuring entity by utilizing the web-enabled software (Walker: abstract; col. 4, line 45-col. 5, line 8; Fig. 1, and 6-10).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Walker with the combined teachings of DeTore and Ibarra

with the motivation of providing a means of facilitating the sale of insurance (Walker: abstract).

(M) Claim 33 substantially repeats the same limitations as those of claim 28 and therefore, is rejected for the same reasons given for claim 28 and incorporated herein.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments filed 4/24/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 4/24/2006

(A) On page 9 of the 4/24/2006 response, Applicant argues that Ibarra is not related to the formulation of insurance programs or implementing procedures designed for the insured entity to meet the insurance program requirements, thereby reducing a risk associated with the insurance risk factor.

These arguments, however, as stated above, are rendered moot in view of new art necessitated by Applicant's amendment.

(B) On page 11 of the 4/24/2006 response, Applicant argues that Luchs does not disclose the use of a procedure to reduce risks associated with insurance risk factors or monitoring and insured entity to identify the conformance of the insured entity to the program requirements.

These arguments, however, as stated above, are rendered moot in view of new art necessitated by Applicant's amendment.

(C) On page 11 of the 4/24/2006 response, Applicant argues that Walker does not disclose the use of a procedure to reduce risks associated with insurance risk factors or monitoring an insured entity to identify the conformance of the insured entity to the program requirements.

These arguments, however, as stated above, are rendered moot in view of new art necessitated by Applicant's amendment.

(D) On pages 11-12 of the 4/24/2006 response, Applicant argues that neither Ibarra nor DeTore teach formulating an insurance program and implementing procedures designed to reduce insurance risk factors. Applicant argues further that neither Ibarra, DeTore, nor the combination thereof teaches each and every element as recited in Claim 9.

In response, Examiner respectfully submits that the combined teachings of Ibarra and DeTore do indeed disclose the aforementioned features, namely, formulating an

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insurance program and implementing procedures designed to reduce insurance risk factors.

In fact, DeTore discloses, in considerable detail, various analyses and assessments pertaining to risks, mortality, profitability, pricing, and the like, which result in formulation of an insurance program (DeTore: col. 15, line 60-col. 17, line 4; col. 17, line 40-col. 19, line 3).

DeTore also discloses a method and system for determining whether to accept or decline to offer an insurance applicant coverage based on, *inter alia*, profit and loss values and weighted risk factors (i.e. "program requirements"); and for offering variable insurance premiums based upon specific weights assigned to different problems (i.e., insurance risk factors) associated with the insurance applicant. Moreover, the system and method of DeTore includes stored system standards (e.g., underwriting knowledge base and expert modules) that provide guidelines/suggestions as to how much a premium should be reduced or increased based upon the weighted factors associated with the insurance applicant (DeTore: abstract; col. 3, line 35-col. 4, line 53; col. 7, line 39-col. 8, line 45; col. 12, line 12-col. 14, line 9; col. 14, lines 40-col. 19, line 3).

Examiner respectfully submits that these teachings, namely, the guidelines/correlations between the applicant's activities/problems and variations in premium amounts provide information regarding how insurance applicants/potential insured entities may reduce their insurance risk factors. For example, eliminating certain identified health problems or activities would reduce the insurance applicant's risk factors and ultimately their insurance premiums.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

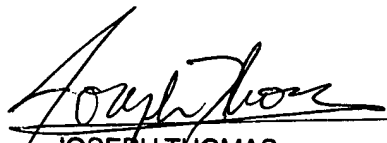
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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